

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LAMAR RUSSELL FARR,

Defendant.

No. 1:07-MJ-356

Hon. HUGH W. BRENNEMAN, Jr.
United States Magistrate Judge

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE

The United States has moved to dismiss the Complaint in this matter, without prejudice, based upon its non-compliance with 18 U.S.C. § 3161(b). The Government also informs the Court that Defendant's counsel was consulted and does not object to the motion.

Pursuant to 18 U.S.C. § 3162(a)(1), the Court **ORDERS** that the Complaint is therefore dismissed. The Court **ORDERS** further that this dismissal is without prejudice to the Government's ability to reinitiate prosecution based upon the following considerations: (1) the Complaint charged Defendant with a violation of 18 U.S.C. § 472, a serious Class "C" felony; (2) the parties anticipated reaching a negotiated resolution to the case that included the filing of a Felony Information, the Government's failure to file that Information was due to oversight, and the parties still anticipate resolving the matter as they had discussed; (3) the impact of reprosecution on the administration of justice would be negligible because the Defendant was allowed to self-surrender rather than being arrested and has not been in custody during the pendency of the Complaint, and because the delay in the ultimate resolution of the

matter from the time of the Defendant's initial appearance before the Court on September 11, 2007, would not be significant; and (4) the Defense does not object to the motion.

Date: October 26, 2007

/s/ Hugh W. Brenneman, Jr.
Hon. HUGH W. BRENNEMAN, Jr.
United States Magistrate Judge